

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DUPREE LAMAR DAVIS,)	
)	
Petitioner,)	
vs.)	NO. CIV-07-1009-HE
)	
THE CHIEF OF POLICE WILLIAM CITY)	
and THE CITY OF OKLAHOMA CITY)	
MUNICIPAL COURT,)	
)	
Respondent.)	

ORDER

Petitioner Dupree Lamar Davis , a state prisoner appearing *pro se*, instituted this action pursuant to 28 U.S.C. § 2254¹ seeking habeas relief. Consistent with 28 U.S.C. § 636(b)(1)(B) and (C), the matter was referred for initial proceedings to Magistrate Judge Valerie K. Couch. The magistrate judge concluded the action has become moot by the petitioner's release from detention and recommends that the petition be summarily dismissed.

The petitioner did not object to the magistrate judge's Report and Recommendation. Therefore, he waived his right to appellate review of the factual and legal issues addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). *See* 28 U.S.C. § 636(b)(1)(C); LCvR72.1.

Accordingly, the court adopts Magistrate Judge Couch's Report and Recommendation, and **DISMISSES** the petition for writ of habeas corpus as moot.

IT IS SO ORDERED.

¹*The magistrate judge considered the petition as one filed under 28 U.S.C. § 2241 as it did not attack the validity of a state court conviction.*

Dated this 30TH day of January, 2008.



JOE HEATON
UNITED STATES DISTRICT JUDGE